

Board of Sumter County Commissioners

Division of Planning & Development

Code Compliance Department

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Website: <http://sumtercountyfl.gov>



SPECIAL MASTER HEARING September 24, 2009 @ 3:00 PM

Present: R. Lee Hawkins, Jr. - Special Master, Matthew Foreman - County Attorney, Alysia Akins - Code Enforcement/Licensing Coordinator, Dwayne Ausley - Inspector, Edd Kaman - Inspector, and Lee Hartman - Chief Inspector.

Special Master Hawkins called the hearing to order at 3:03 PM and followed with the Pledge of Allegiance.

Special Master Hawkins moved to enter the minutes of the Special Master Hearing from 8/27/09 into the record.

Mr. Kaman, Mr. Ausley, and Mr. Hartman were sworn in.

OLD BUSINESS:

The following cases received **A**ffidavits of **C**ompliance:

CE2008-0409/Ayers

CE2009-0196/Godwin

CE2009-0215/Ecott

The following cases received **A**ffidavits of **C**ompliance with costs due:

CE2009-0156/Olsen

CE2009-0157/Beard

The following cases received **A**ffidavits of **N**on-compliance:

CE2007-0589/See

CE2008-0322/Wiley

1) Case #: CE2009-0297

Name: Steven & Mary Williams

Address: 6547 CR 177, Wildwood

Violation: 6-104(2) & 6-104(5)

Inspector: Lee Hartman

Recommendation: **TABLED FROM 8/27/09 - PRE-HEARING COMPLIANCE**

No further action required.

2) Case #: CE2009-0222

Name: Candace & Daniel Harbin

Address: 1592 N West Street, Bushnell

Violation: 6-104(2) & 13-E.3.1.2 SHC 307.4

Inspector: Dwayne Ausley

Recommendation: **TABLED FROM 8/27/09 - TABLE TO 10/29/09**

No further action required.

3) Case #: CE2009-0070

Name: Pan Do & Susan Yi Kim

Address: 11282 SR 471, Webster

Violation: 13-141(A)(2)(A)

Inspector: Edd Kaman

Recommendation: **TABLED FROM 8/27/09 - HEAR CASE**

The tenant, Mary Tucker Burnham, Pastor/President of Lighthouse Foundation Ministries International Inc, was present and sworn in. The Respondents were sent a Notice of Hearing via certified mail regarding the code case that began on 3/6/09. The property does not have homestead exemption. Mr. Kaman's last visit to the property was on 9/24/09, and the property was still in violation. Mr. Kaman submitted photos of the violations taken on 3/9/09 & 8/27/09. Mr. Kaman testified the property has been properly cleaned and mowed. Mr. Kaman discussed the fire violations due to the property being utilized as a place of assembly. The Special Use Permit requirements were discussed along with the Zoning and Adjustment Board deadlines for submittals.

Mrs. Burnham testified her organization meets on Sunday mornings and Thursday evenings, in addition to providing free food and clothing to the needy. Mrs. Burnham testified the architect handling this project is working on the plans required by Sumter County Fire Rescue. The Special Use Permit and Fire Code requirements were discussed. Mrs. Burnham testified she spoke with the Florida Department of Transportation regarding use of the existing driveway. Mrs. Burnham also testified she has a letter of authorization from the property owners to act on their behalf.

Mr. Kaman recommended staff costs in the amount of \$616.38 be paid and the property be brought into compliance by ceasing and desisting all activities until the proper approvals are received. Mr. Kaman recommended this all be done within 60 days. No fines were recommended.

Special Master Hawkins found the property in non-compliance of the required Fire Codes and Special Use Permit requirements and ordered the property to be brought into compliance by satisfying all fire code violations and meeting all Special Use Permit requirements within 90 days. No staff costs were ordered. Special Master Hawkins also ordered the building not be occupied until compliance is met; however, the property can be utilized as the property's zoning designation allows outside storage. If compliance is not met within 90 days, a \$250 daily fine per violation will be assessed.

NEW BUSINESS:

The following cases received Affidavits of Pre-Hearing Compliance:

CE2009-0342/Ruiz

CE2009-0279/Lingerfelt

CE2009-0290/Laux

CE2009-0316/Amico

1) Case #: CE2008-0059

Name: Michael & Connie Wade

Address: CR 772C, Webster

Violation: 6-104(3)

Inspector: Edd Kaman

Recommendation: **TABLE TO 10/29/09**

No further action required.

2) Case #: CE2009-0341

Name: Winton Randall Rowell

Address: 2912 CR 675, Webster

Violation: 6-104(2) & 6-104(3) & 6-104(5) & 13-E.3.1.2 SHC 304

Inspector: Edd Kaman

Recommendation: **HEAR CASE**

Mr. Rowell was present and sworn in. The Respondent was sent a Notice of Hearing via certified mail regarding the code case that began on 8/5/09. The property has homestead exemption. Mr. Kaman's last visit to the property was on 9/24/09, and the property was still in violation. Mr. Kaman submitted photos of the violations taken on 9/24/09.

Mr. Rowell testified no one resides on the property and thinks the code case began due to his neighbor calling Animal Control. Mr. Rowell testified he is currently turning his property over to the mortgage holder. Mr. Rowell testified there is a mobile home on the property that is not set up and has no power. Mr. Rowell also testified there are 2 uninhabitable homes on the property that have inoperable plumbing.

Mr. Kaman recommended staff costs in the amount of \$311.06 be paid, and the property be brought into compliance within 2 weeks or pay a \$50 daily fine until the property is brought into compliance.

Special Master Hawkins found the property in non-compliance of all violations as submitted and ordered the property to be brought into compliance as requested and pay staff costs of \$311.06 upon receipt of the Order. If compliance is not met as ordered, a \$50 daily fine will be assessed for each and every day the property remains in violation.

3) Case #: CE2009-0308

Name: Joan M Mallery

Address: 1967 CR 439CW, Lake Panasoffkee

Violation: 6-104(2) & 6-104(5) & 13-E.3.1.2 SHC 307.4

Inspector: Dwayne Ausley

Recommendation: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail regarding the code case that began on 7/16/09. The property does not have homestead exemption. Mr. Ausley's last visit to the property was on 9/24/09, and the property was not in compliance. Mr. Ausley submitted photos of the violations taken on 9/24/09 into the record. Mr. Ausley testified the high grass is a violation and there are miscellaneous debris items on the property.

Mr. Ausley recommended the Respondent bring the property into compliance upon receipt of the Order by removing the debris items in violation, mowing the grass, and paying staff costs in the amount of \$411.06. If not, a \$25 daily fine should be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation due to the debris items and overgrowth on the property. The Respondent was ordered to bring the property into compliance by removing the debris items, mowing the grass, and paying staff costs in the amount of \$411.06 upon receipt of the Order. If not, a \$25 daily fine will be assessed until the property is found in compliance and costs are paid.

4) Case #: CE2009-0319

Name: Nancy Amico

Address: CR 434B, Lake Panasoffkee

Violation: 6-104(5), 13-728, and 13-E.3.1.2 SHC 307.4

Inspector: Dwayne Ausley

Recommendation: **TABLE TO 10/29/09**

No further action required.

5) Case #: CE2009-0330

Name: Joseph & Kimberly Alonso

Address: 2317 CR 445, Lake Panasoffkee

Violation: 6-104(5)

Inspector: Dwayne Ausley

Recommendation: **TABLE TO 10/29/09**

No further action required.

- 6) Case #: CE2008-0412
Name: Debra A. Smith
Address: 12220 CR 101, Oxford
Violation: 6-104(5)
Inspector: Lee Hartman
Recommendation: **HEAR CASE**

The Respondent's niece, Rebecca Segrest, was present and sworn in. The Respondent was sent a Notice of Hearing via certified mail regarding the code case that began on 9/24/08. The property does not have homestead exemption. Mr. Hartman's last visit to the property was on 9/24/09, and the property was not in compliance. Mr. Hartman submitted photos of the violations taken on 9/24/09 into the record. Mr. Hartman testified the grass is over 24" tall, which constitutes a violation.

Ms. Segrest testified Ms. Smith had sold abutting acreage to the Villages and thought this acre had been included. Ms. Segrest testified this property was in the name of Tim Perry with a Life Estate, who Mr. is now deceased, and Ms. Smith has just received a copy of the death certificate, which she has se filed and is in the process of trying to obtain clear title to the property. Ms. Segrest testified there are access issues with the property and it appears to be land locked. Ms. Segrest testified she has been directed to contact the Villages in order to gain legal access. Ms. Segrest was advised to check with neighboring property owners for access options.

Mr. Hartman recommended the Respondents bring the property into compliance by mowing the grass and paying staff costs in the amount of \$566.38. If not, a \$25 daily fine should be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation of 6-104(5). There were no costs or fines ordered. Special Master Hawkins ordered the property be re-inspected in 6 months.

- 7) Case #: CE2009-0224
Name: Melvin Glenn & Cherie Paisley
Address: 830 Evans Way, The Villages
Violation: 6-43
Inspector: Lee Hartman
Recommendation: **TABLE TO 10/29/09**
No further action required.

- 8) Case #: CE2009-0229
Name: Carlos & Libania Pinto
Address: 13766 CR 109D-3, Lady Lake
Violation: 21-1(A)
Inspector: Lee Hartman
Recommendation: **HEAR CASE**

The Respondents and friend, David Johnson, were present and sworn in. The Respondents were sent a Notice of Hearing via certified mail regarding the code case that began on 6/10/09. The property has homestead exemption. Mr. Hartman's last visit to the property was on 9/24/09, and the property was not in compliance. Mr. Hartman submitted photos of the violations taken on 9/24/09 into the record. Mr. Hartman testified building-related debris remains on the property.

Mr. Pinto testified he has medical issues involving his knees and requires assistance with the clean-up of the property; however, he has been making progress. Mr. Pinto requested an additional 30 days to complete the clean-up. Mr. Pinto testified the debris had been stored inside his shed until the shed was damaged by a hurricane.

Mr. Hartman recommended the Respondents bring the property into compliance by removing the debris and paying staff costs in the amount of \$461.06. If not, a \$25 daily fine should be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation due to the debris on the property. The Respondents were ordered to bring the property into compliance by removing the debris and paying staff costs in the amount of \$461.06 upon receipt of the Order. If not, a \$25 daily fine will be assessed and will continue to accrue until the property is found in compliance and costs are paid.

9) Case #: CE2009-0299

Name: Moises & Maria Guadalupe Flores

Address: 3519 CR 230C, Wildwood

Violation: 13-51(A)(2)(A)

Inspector: Lee Hartman

Recommendation: **HEAR CASE**

The Respondents were not present. The Respondents were sent a Notice of Hearing via certified mail regarding the code case that began on 7/17/09. The property does not have homestead exemption. Mr. Hartman's last visit to the property was on 9/24/09, and the property was not in compliance. Mr. Hartman submitted photos of the violations taken on 9/24/09 into the record. Mr. Hartman testified a structure had been built without required permits. Mr. Hartman testified the Respondents attempted to obtain the required permits; however, were unable to due to not complying with setback requirements.

Mr. Hartman recommended the Respondents bring the property into compliance by removing the structure or obtaining the required permits and paying staff costs in the amount of \$411.06 within 1 week. If not, a \$25 daily fine should be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation due to the unpermitted structure. The Respondents were ordered to bring the property into compliance by removing the structure or obtaining required permits and paying staff costs in the amount of \$411.06 within 1 week. If not, a \$25 daily fine will be assessed and will continue to accrue until the property is found in compliance and costs are paid.

There was no further business to discuss; therefore, Special Master Hawkins adjourned at approximately 4:13 PM.